

Serial No.: 09/576,648

7

PD-200049

REMARKS

Applicants wish to thank the Examiner for considering the present application. In the Final Office Action dated July 27, 2004, claims 2-22 are pending in the application. Applicants acknowledge the allowability of claims 2-8 if rewritten to overcome the §112 rejection set forth below. Applicants respectfully request the Examiner to reconsider the rejections.

Claims 2, 9 and 15 stand objected to for informalities with respect to the user, mobile user and terminals. Applicants have clarified these independent claims to refer to user terminal or plurality of user terminals throughout. Applicants therefore submit that these objections are now overcome.

Claim 2 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have removed the reference to "type" in Claim 2. Applicants therefore respectfully believe that this amendment overcomes the rejection.

Claims 9-11, 13-17, and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Matthews* (US 2002/0049055) in view of *Hamabe* (US 6,731,949).

The *Matthews* reference is directed to a system and technique for switch over of a communication system from a first aircraft 12 to a second aircraft 14. At some point, both aircraft have signals directed to individual cells as is pointed to by the Examiner in Fig. 2. The same frequencies are used by each of the planes so that one plane may take over from the second plane. The amplitude is slowly increased as described in paragraph 22. Only one signal from one of the planes is used at a time. That is, when the user receives two signals, the weaker signal is deemed a multi-path signal and ignored. At some point the signal from the second airplane increases and the signal from the first plane decreases and a change or switch over occurs. The two signals are not added together and thus the signals are not coherently added together as is recited in claim 15.

Serial No.: 09/576,648

8

PD-200049

Applicants therefore respectfully request the Examiner to reconsider the rejection of claim 15. Likewise, claims 16, 17 and 19 are dependent from amended claim 15 and are also believed to be allowable for the same reasons set forth above. The Examiner on page 4 of the Final Office Action agrees with this and states, "Matthews do not specifically dispose adding signal from more than one transponder node." The *Hamabe* reference is used for this teaching. Applicants have amended independent claims 9 and 15 to refer to the central processing hub and the role of the central processing hub in the transmission. More specifically, it is the central processing hub that establishes the time delays in the forward transmission so that the signals are coherently received at the user terminal. In the direction from the user terminal to the central processing hub, the ground station receives the signals and host processes the signals to introduce compensating time delays so that the receive signals may be processed coherently. The *Hamabe* reference does not teach or suggest the control by the central processing hub. The *Hamabe* reference generally deals with handoff from one base station in one cell to another base station in another cell. The *Hamabe* reference gradually increases the power from one station and decreases the power from another station. The *Hamabe* reference is concerned mostly with the amount of power received at a mobile station. The *Hamabe* reference deals with a user that is positioned between base stations. Although time slots are described in the *Hamabe* reference, these time slots are set forth the communication to the mobile station at the base station. As shown in Fig. 8, a base timer 210 may be included in the base station. Also, a mobile station may include a base timer 610 as illustrated in Fig. 9. Thus, it appears that the base station and the mobile station control the timing. In the present application, the timing is controlled at the ground hub in both directions. This simplifies the circuitry at the transponding nodes and at the user terminals. Therefore, each of the elements of amended claims 9 and 15 are not taught or suggested in either the *Matthews* reference or the *Hamabe* reference. Applicants therefore respectfully request the Examiner for reconsideration of this rejection.

Serial No.: 09/576,648

9

PD-200049

Furthermore, claims 10, 11, 13, 14, 16, 17 and 19 are dependent upon their respective independent claims and are also believed to be allowable for the same reasons set forth above.

Claims 12, 18 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Matthews* in view of *Hamabe* in further view of *Tuck* (US 5, 584,047). Claims 18 and 20 depend from amended claim 15 and are also believed to be allowable for the same reasons set forth above. That is, the *Tuck* reference does not teach or suggest the missing elements of amended claim 15.

Claim 21 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Matthews* in view of *Hamabe* in further view of *Moerder* (US 6,674,730). The *Moerder* reference also does not teach or suggest the elements missing from amended claim 15 described above. Applicants therefore respectfully request the Examiner for reconsideration of this rejection as well.

Claim 22 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Matthews* in view of *Hamabe* in further view of *Wright* (US 6,507,926). The *Wright* '926 reference does not teach or suggest the missing elements of claim 15 described above. Applicants therefore respectfully request the Examiner for reconsideration of claim 22.


In view of the preceding amendments and remarks, it is respectfully submitted that all of the claims presently pending in this application are allowable. Therefore, entry and consideration of this response, reconsideration of the rejections, and allowance are respectfully requested. If the Examiner feels that a telephone interview will advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney at the below-listed number.

Serial No.: 09/576,648

10

PD-200049

Respectfully submitted,


Georgann S. Grunebach
Reg. No. 33,179
Attorney for Applicants

Date: September 20, 2004
The DIRECTV Group, Inc.
2250 East Imperial Highway
El Segundo, CA 90245
(310) 964-4615